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09/768,956	01/24/2001	Gabor Fodor	040020-239	4275

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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/768,956
Filing Date: January 24, 2001
Appellent(s): FODOR ET AL.

Gabor Fodor
Johnson Oyama
Ina Widegren
Brian Williams
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 17, 2005, appealing from the Office action mailed December 14, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in

the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. The brief is deficient because the specification reference (Figure 18 and the description thereof at page 22, line 17 *et seq*) for the claim element of claim 13 did not explain "transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa".

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,708,034	Sen et al	3-2004
6,728,208	Puuskari	4-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 10-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sen et al, U.S. Patent 6,708,034

As per claim 10, Sen taught the invention as claimed for providing support for Internet protocol signaling, wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network (col. 2, lines 48-52), the method comprising the steps of:

terminating a resource reservation protocol message sent from the user's terminal equipment (col. 5, lines 1-11);

determining, based on parameters contained in the resource reservation protocol message, whether to create a new packet data protocol context or to modify an existing packet data protocol context (col. 7, lines 6-7; col. 5, lines 31-66); and

sending a request to create or modify the packet data protocol context through the radio network (col. 5, lines 67-col. 6, lines 5).

As per claim 11, Sen taught the invention as claimed in claim 10 above. Sen further taught comprising the steps of:

receiving a response to the request from the radio network (col. 6, lines 6-7);

generating a resource reservation protocol message based on the contents of the response (col. 6, lines 8-27); and

sending the resource reservation protocol message to the local user's terminal equipment (col. 6, lines 8-27).

As per claim 12, Sen taught the invention as claimed in claim 10 above. Sen further taught comprising the steps of:

receiving a trigger that initiates the generation of a resource reservation protocol path message (col. 4, lines 29-34); and

sending the resource reservation protocol path message to the local user's terminal equipment (col. 4, lines 50-52).

As per claim 14, Sen taught the invention as claimed comprising:

a first interface to a local user's terminal equipment (col. 3, lines 10-15, 29-31);

a second interface to a radio network (col. 2, lines 2-4; col. 3, lines 16-21, 31-33);

a terminating unit for terminating resource reservation protocol (col. 5, lines 1-11); and

a translation unit for transforming resource reservation protocol message into a packet data protocol message and vice versa (col. 4, lines 22-27; col. 7, lines 6-7).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sen in view of Puuskari, U.S. Patent 6,728,208.

As per claim 13, Sen taught the invention as claimed for a gateway general packet radio service support node comprising the steps of:

transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa (col. 5, lines 31-49).

Sen did not teach including Internet protocol quality of service information in packet data protocol context. Puuskari taught including Internet protocol quality of service information in packet data protocol context (col. 5, lines 17-23; col. 10, lines 16-24).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Sen and Puuskari because Puuskari's method of including internet protocol quality of service information in packet data protocol context would increase the reliability of Sen's system by guaranteeing that packets not conforming to the packet data protocol level quality of service contract are discarded first if needed (col. 5, lines 32-34).

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

Appellant argued that:

(1) Sen fails to teach performing any similar steps in a mobile terminal as in claim 10.

In reply to argument (1): The recitation "A method in a mobile terminal for providing support for internet protocol signaling, wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Even if the preamble is given patentable weight, Sen taught performing the steps in a mobile terminal as cited in claim 10. Specifically, Sen taught the claimed invention being performed by a RSVP agent (col. 5, lines 1-11, 31-66; col. 5, line 67-col. 6, line 5; col. 7, lines 6-7). Sen further taught as known in the art, the RSVP agent is a process resident in a terminal, node or other device that handles the RSVP signaling for that device (col. 4, lines 36-38). The RSVP agent enables that device to interface with other RSVP enabled devices or networks (col. 4, lines 38-40). Furthermore, Sen taught a mobile station is capable of generating and interpreting RSVP messages (col. 4, lines 24-27). This means a mobile station must include a RSVP agent in order to interface (i.e., interpret RSVP messages) with other RSVP enabled devices or network. Thus, Sen taught a mobile station (i.e. mobile terminal) with a RSVP agent for performing the invention as claimed in claim 10.

(2) Sen fails to teach a translation unit, within a mobile, for transforming a resource reservation protocol message to a packet data protocol message, and vice versa as claimed in claim 14.

In reply to argument (2): Claim 14 recites "a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa". The recitation "A mobile terminal" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, the specification did not specifically describe the limitation "a translation unit for transforming a resource reservation protocol message to a packet data protocol message, and vice versa". Accordingly, the limitation was interpreted with the best understanding of the claim language by the examiner. In the specification, on page 10, lines 1-5 and 10-11, packet data protocol message was described as a message including requested quality of service (QoS) profile sent by the mobile station. In light of the specification, examiner interpreted the limitation as a unit for transforming a resource reservation protocol message, which is known in the art as PATH and/or RESV message, to a message that included requested QoS profile sent by a mobile terminal and vice versa. Sen taught the limitation as interpreted above, wherein a RSVP agent generates PATH and/or RESV messages (RSVP message) in response to receiving QoS requirements and traffic profiles sent from a QoS-aware application in a mobile station (packet

data protocol message) (col. 4, lines 25-34). This means that RSVP agent must include a translation unit for transforming the packet data protocol message sent by the mobile station in order to use the QoS information in the packet data protocol to generate the RSVP message. Sen further taught the mobile station (must include a RSVP agent) can generate a RSVP (i.e., PATH and /RESV) message as explained above or interprets RSVP message (col. 4, lines 25-28). This means that RSVP message can be generated using QoS information and traffic profiles (i.e., transforming a packet data protocol message to a resource reservation protocol message) and RSVP message can be interpreted to a QoS information (i.e., vice versa)

(3) Sen fails to teach transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol and vice versa as claimed in claim 13.

In reply to argument (3): Sen taught a RSVP agent using the quality of service requirements and traffic profiles sent by a mobile station to generate PATH and/or RESV messages (resource reservation protocol message) (col.4, lines 24-34). This means that the RSVP agent must transform the quality of service requirements sent by the mobile station (i.e., QoS signaling) to PATH and/or RESV message (i.e., signaling according to the resource reservation protocol). As described by Sen's teaching, resource reservation protocol signaling (RSVP signaling) is used in Internet protocol networking equipment to improve the quality of service (QoS) (col. 1, lines 24-26). Sen further taught the RSVP agent for performing the process of transforming as explained above is resided in the gateway general packet radio service support node (i.e. GGSN) (col. 5, lines 7-10, 42-43), which can receives data from the mobile station and

converts the data for the internet as explained above and vice versa (col.3, lines 52-59). This means that the process of transforming is vice versa. In addition, the GGSN generates the PATH and/or RESV message (resource reservation protocol) for the Internet, this means the quality of service requirement information in the PATH and/or RESV message must be according to the Internet protocol in order to be of use for transmission over the Internet. Therefore, Sen taught GGSN with a RSVP agent that transform quality of service signaling according to an internet protocol into signaling according a resource reservation protocol and vice versa.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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June 26, 2006

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